GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:960
ANSWERED ON:01.08.2006
JURISDICTION OF NHRC
Baitha Shri Kailash

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the jurisdiction of National Human Right Commission;

(b) whether the Commission has power to take legal action against the guilty person for violation of human rights;

(c) the nature of atrocities brought to the notice of Human Right Commission during each of the last three years, State-wise, atrocity-wise; and

(d) the actions taken in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL)

(a): The jurisdiction of the National Human Rights Commission (NHRC) extends to the whole of India. However, in relation to the State of J&K the jurisdiction extends to matter relatable to any of entries enumerated in List I or List III in the Seventh Schedule to the Constitution as applicable to that State. The jurisdiction of the Commission is also restricted by Section 36 of the Protection of Human Rights Act and the Commission cannot enquire into any matter which is pending before a State Commission or any other Commission. It can also not enquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights was alleged to have been committed.

(b): The NHRC can make suitable recommendations in every case of proven violation of human rights against erring public servant. However, action in the light of its recommendations is required to be taken by the concerned Government.

(c): A statement indicating the number of complaints registered during the last three years State-wise and atrocities-wise is annexed.

(d): All the complaints received have been considered and appropriate orders passed in each case in the lights of the provisions of the Act read with the Procedural Regulations.